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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,960	01/26/2001	Jo Ann H. Squier	10247	7021

23455 7590 02/27/2004

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EXAMINER

SIMONE, CATHERINE A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,960

Applicant(s)

SQUIER ET AL. 

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Withdrawn Rejections

1. The 35 U.S.C. 103 rejection of claims 5, 6 and 8 over Liu et al. in view of DeLisio et al. of record in Office Action mailed 8/4/03, Pages 4-5, Paragraph #7 has been withdrawn due to the Applicant's remarks/arguments filed 11/3/03.
2. The 35 U.S.C. 103 rejection of claim 9 over Liu et al. in view of DeLisio et al. and in view of Touhsaent of record in Office Action mailed 8/4/03, Pages 5-6, Paragraph #8 has been withdrawn due to the Applicant's remarks/arguments filed 11/3/03.

Repeated Rejections

3. The 35 U.S.C. 102 rejection of claims 1-4, 7, 10-13, 16, 20, 22, 23 and 24 as anticipated by Liu et al. is repeated for the reasons previously set forth in Office Action mailed 8/4/03, Pages 2-3, Paragraph #5.
4. The 35 U.S.C. 103 rejection of claims 14, 15, 17-19 and 21 over Liu et al. is repeated for the reasons previously set forth in Office Action mailed 8/4/03, Pages 6-7, Paragraph #9.
5. The 35 U.S.C. 103 rejection of claims 25 and 26 over Bright in view of Poirier is repeated for the reasons previously set forth in Office Action mailed 8/4/03, Pages 7-8, Paragraph #10.

Response to Arguments

6. Applicant's arguments filed 11/3/03 have been fully considered but they are not persuasive. Applicants argue that "the term "cold glue" is understood by those of ordinary skill in the art as referring to a class of materials distinct from and not including "cold seals." Examples of cold glues are set forth at page 9, lines 7-20, of the specification. Cold seals, on the other hand, are rubber-based materials. Column 3, line 66, through column 4, line 11."

Applicants further argue that "cold seal adhesives are adhesives that are applied to a film and then dried slightly; they remain slightly tacky at room temperature. The operation is done at a converter. The end user, or packager, would then take the film with the slightly tacky cold seal and use it to wrap items that cannot be wrapped at high temperatures, e.g., candy bars and ice cream. The sealing mechanism for cold seal is pressure and very low temperature (-105°F), as opposed to a heat-sealed film running at 280°F. Cold glues are wet glues. They are applied to a label. The label with wet glue is then applied to, e.g., a bottle." However, it is to be pointed out that both "cold seals" and "cold glues" are similar. According to the Merriam-Webster Dictionary, the word "seal" is defined as "something that makes secure" and the word "glue" is defined as "something that binds together". So, accordingly, both "cold seals" and "cold glues" are doing the same thing. Therefore, "cold seals" are the same as "cold glues". Furthermore, it is to be pointed out that in the specification of the present application on page 9, line 18 that "some cold glues are based on synthetic materials (resins)". Liu et al. discloses the cold seals to be made of rubber-based materials (see column 3, line 66 through column 4, line 1) and rubber is a resin. Thus, Liu et al. clearly teaches "cold glue adhesives" as claimed in the present invention.

Applicants further argue that "Poirier teaches the advantage of including a first high gloss medium density polyethylene (MDPE) on a surface of a cavitated core layer. Poirier is not particular about the adhesive-receiving skin layer on the side of the core layer opposite the high gloss MDPE. The Examiner points out column 2, lines 59-60, but this disclosure merely states that a MDPE skin layer is coextruded onto a surface of a cavitated core. It says nothing about the adhesive-receiving skin layer. At column 3, lines 5-6, Poirier discloses that the adhesive-receiving skin layer can be a non-cavitated polypropylene." However, it is to be pointed out that the adhesive-receiving skin layer in Poirier contains calcium carbonate (see column 3, lines 14-16 and column 4, lines 9-10), which is a cavitating agent. Therefore, Poirier clearly teaches an adhesive-receiving skin layer comprising polypropylene and a first cavitating agent. Thus, it would have been obvious to one of ordinary skill in the art to at the time the invention was made to have the label in Bright comprise an adhesive-receiving skin layer comprising polypropylene and a cavitating agent as suggested by Poirier in order to adhere to a container.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Application/Control Number: 09/770,960
Art Unit: 1772


Page 5


CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Catherine Simone
Examiner
Art Unit 1772
February 18, 2004


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

2/20/04